

extension of English law, they claimed, was purely a voluntary act of the colonists.

Now, after this somewhat lengthy excursus, let us return to our documentary material in the Maryland controversy. Let us notice Dulany's citation of Locke to show that the Marylanders had an *equal right* to the English laws, with the inhabitants of England: let us follow his quotations of Grotius and Puffendorf, to support a similar idea; and let us observe in the closing paragraph a somewhat timid suggestion that the people of Maryland had a right from a state of nature to choose what law they would. What have we here but the very doctrine of 1774, expressed in a rude and undeveloped form? Not only in Dulany's pamphlet, but also in Eversfield's book, do we have the consent of the people urged as the only authority that gives binding force to law. Moreover, returning to Dulany's pamphlet, we meet the very phrases that did such service in later times: "a state of equality," "life, liberty, and property," "inherent rights."¹¹

Let us be far from suggesting that Dulany's pamphlet introduced those ideas, or that from it did the later writers draw any ideas. What we wish to demonstrate is that the natural rights philosophy as applied to government, and its terminology or vocabulary, which are too often first mentioned in connection with James Otis or Samuel Adams, were common property a generation before Otis' first pamphlet saw the light.¹² During all this time these ideas were sinking in upon the colonists' minds, and if, when the Revolution came, their law failed them, they were ready with a philosophical justification of their position. To the verity of this statement, for Maryland, Dulany's pamphlet and Eversfield's notes bear ample witness.

One more point, before we close. As we all know, it was when the colonists, after a certain period of *laissez-faire* had

¹¹ The Right of the Inhabitants, etc., passim.

¹² Similar ideas, based on Puffendorf, appear in John Wise's A Vindication of the Government of New England Churches, published about 1717.